

TRANSMITTAL FORM

Application Serial Number	09/545,162
Filing Date	April 7, 2000
First Named Inventor	Shuber
Group Art Unit	1634
Examiner Name	Switzer
Attorney Docket No.	EXT-026
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input checked="" type="checkbox"/> Amendment/Response with Declaration attachment <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Copy of Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Copy of Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Notification of Loss of Entitlement of Small Entity Status <div>RECEIVED NOV 14 2003 OFFICE OF PETITIONS</div>
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CORRESPONDENCE ADDRESS


Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

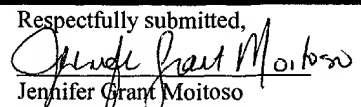
SIGNATURE BLOCK

Date: November 10, 2003
Reg. No. 51,752
Tel. No.: (617) 310-8423
Fax No.: (617) 248-7100

Respectfully submitted,

Jennifer Grant Moitoso
Attorney for Applicant(s)
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

 FEE TRANSMITTAL COPY 2003	Complete if Known	
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METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																							
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other 2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit. 3. <input type="checkbox"/> Applicant claims small entity status.	3. ADDITIONAL FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee (\$)</th> <th style="text-align: left;">Small Entity Fee (\$)</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>410</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>930</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1450</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1970</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>320</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>320</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>280</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>750</td><td>375</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>750</td><td>375</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td></td></tr> <tr><td>110</td><td>55</td><td>Submission of Terminal Disclaimer</td><td style="text-align: right;">110.00</td></tr> <tr><td colspan="3">Other fee (Specify) _____</td><td></td></tr> <tr><td colspan="3">Other fee (Specify) _____</td><td></td></tr> </tbody> </table>	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		410	205	Extension for reply within second month		930	465	Extension for reply within third month		1450	725	Extension for reply within fourth month		1970	985	Extension for reply within fifth month		320	160	Notice of Appeal		320	160	Filing a brief in support of an appeal		280	140	Request for oral hearing		130	130	Petitions to the Commissioner		180	180	Submission of Information Disclosure Statement		750	375	Filing a submission after final rejection (37 CFR 1.129(a))		750	375	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		110	55	Submission of Terminal Disclaimer	110.00	Other fee (Specify) _____				Other fee (Specify) _____																						
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CORRESPONDENCE ADDRESS Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	SIGNATURE BLOCK Date: November <u>10</u> , 2003 Reg. No.: 51,752 Tel. No.: (617) 310-8423 Fax No.: (617) 248-7100 Respectfully submitted,  Jennifer Grant Moitoso Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110																																																																																																							



PATENT
Attorney Docket No. EXT-026 (2457/23)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Shuber
SERIAL NUMBER: 09/545,162 GROUP NUMBER: 1634
FILING DATE: April 7, 2000 EXAMINER: J. Switzer
TITLE: Methods for Detecting Nucleic Acids Indicative of Cancer

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Terminal Disclaimer

I, Thomas C. Meyers, residing at 3 Great Rock Circle, Natick, MA 01760, state that I am authorized to sign this Terminal Disclaimer on behalf of Exact Sciences Corporation (hereinafter "EXACT"), identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 09/545,162. I have reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of EXACT.

EXACT, having a place of business at 100 Campus Drive, Marlborough, MA 01752, is the assignee of the entire right, title and interest in and to the above-identified application, 09/545,162, by virtue of the Assignment recorded in the United States Patent and Trademark Office at Reel 010991, Frame 0831, on July 21, 2000, by the inventor in this application to Exact Laboratories, Inc., and the Change of Name document indicating a name change to Exact Sciences Corporation, recorded in the United States Patent and Trademark Office at Reel 011661, Frame 0276, on April 2, 2001.

EXACT hereby disclaims any portion of the term of a patent issued on application Serial No. 09/545,162 that would extend beyond the expiration date of the full statutory term of any patent issued on application Serial No. 09/514,865. EXACT hereby agrees that any patent so

issued on application Serial No. 09/545,162 shall be enforceable only for and during such period that the legal title to said patent issuing on application Serial No. 09/545,162 shall be the same as the legal title to any patent issued on application Serial No. 09/514,865, and that this agreement shall run with any patent issued on either of the above-referenced application Serial Nos. 09/545,162 or 09/514,865 and be binding upon EXACT, its successors or assigns.

EXACT does not disclaim any portion of the term of any patent issued on application Serial No. 09/545,162 due to a failure to pay a maintenance fee, a holding of unenforceability or invalidity, a statutory disclaimer, the cancellation of claims by a re-examination certificate, or if said patent is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

EXACT further disclaims the terminal portion of any patent issued on application Serial No. 09/545,162 which would extend beyond the full statutory term of U.S. Patent No. 6,586,177, issued July 1, 2003, and hereby agrees that any patent so issued on U.S. Serial No. 09/545,162 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,586,177, and that this agreement shall run with any patent issued on application Serial No. 09/545,162 and be binding upon EXACT, its successors or assigns.

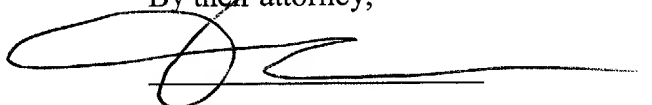
EXACT does not disclaim any portion of the term of any patent issued on application Serial No. 09/545,162 prior to the expiration date of the full statutory term of U.S. Patent No. 6,586,177 in the event that said patent expires due to a failure to pay a maintenance fee, a holding of unenforceability or invalidity, a statutory disclaimer, the cancellation of claims by a re-examination certificate, or if said patent is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Exact Sciences Corporation

By their attorney,

A handwritten signature in black ink, appearing to be 'T. Meyers', written over a horizontal line.

Name: Thomas C. Meyers

Reg. No. 36,989

Date: 11/10/03